

## **805 KAR 4:010. Licensing and classification of blasters.**

RELATES TO: KRS 351.315, 351.325

STATUTORY AUTHORITY: KRS 351.315(6), 351.335(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 351.335(1) authorizes the Department for Natural Resources to promulgate any administrative regulations necessary to effectuate the provisions of KRS 351.315 to 351.375. KRS 351.315 requires the department to license blasters and to establish fees. KRS 351.315 requires the Department for Natural Resources to license blasters. This administrative regulation establishes the licensing requirements and duties of a blaster to effect this law, and establishes the amount of fees to be consistent with KRS 351.315

Section 1. (1) The department shall have the following two (2) classifications of blasting licenses, each of which shall have a separate test:

- (a) The "Kentucky blaster's license"; and
- (b) The "limited Kentucky blaster's license".

(2) Persons holding a "limited Kentucky blaster's license" shall not conduct a blasting operation in which more than five (5) pounds of explosives are used in a single charge.

(3) Persons applying for either a "Kentucky blaster's license" or a "limited Kentucky blaster's license" shall submit a nonrefundable application fee of forty (40) dollars with the prescribed application form, EC-16 or EC-14. Upon successfully passing the examination and satisfying the experience requirement of KRS 351.315(1), a license shall be issued upon the payment of an additional fee of twenty-five (25) dollars, pursuant to KRS 351.315(2).

(4) Each blaster shall be required to renew his license every three (3) years by application to the department. The application shall be accompanied by a fee of sixty (60) dollars and documentation verifying that the blaster has completed the hours of blaster retraining required in KRS 351.315(4).

(5) If a licensed blaster is not in violation of any final administrative or court order concerning blasting-related matters when he makes application for renewal of his license, the department shall renew that license.

(6) A blaster who fails to renew his "Kentucky blaster's license" within five (5) years of the expiration date of his last valid license shall be required to reapply for a license and retake the blasters examination in a manner established in KRS 351.315. Blasters not in the above category may have their licenses renewed by paying to the department a sum equal to the annual renewal fees for the years of nonrenewal.

(7) The commissioner may grant a thirty (30) day nonrenewable blaster's license to any person qualified under KRS 351.315(3) upon the payment of a twenty-five (25) dollar fee.

(8) For the purpose of licensure, a blaster shall be a person who makes any of the following decisions:

- (a) Decides hole size, spacing, or depth;
- (b) Decides total quantity of explosives;
- (c) Decides quantity of explosives in each hole; or
- (d) Decides timing delays to be used.

(9) The blaster shall also be present when the charge is detonated and either physically detonate the charge or give the order to detonate the charge.

(10) The blaster shall complete and sign a record for each blast as required in KRS 351.360.

(11) A licensed blaster shall not take any instruction on the activities described in subsections (8) through (10) of this section from a person not holding a blaster's license if compliance with that instruction may result in an unlawful act or unlawful effect of the blast.

(12) Anyone failing a blaster's examination may retake the examination after thirty (30) days without paying another application fee. A person failing the examination a second time shall resubmit his

application form and pay the fee required in subsection (3) of this section.

(13) Persons involved in seismic exploration of the subsurface geology and detonating explosives solely for the purpose of monitoring seismic waves generated by such a detonation shall hold either a "Kentucky blaster's license" or a "limited Kentucky blaster's license". The five (5) pound limitation in subsection (2) of this section may be waived for the purpose of seismic exploration based upon a written request to the department.

(14) Persons engaged in blasting operations in oil production and detonating explosives for the purpose of enhancing oil production, cutting casing, or other similar purposes, if the explosives are placed in an oil well, shall hold either a "Kentucky blaster's license" or a "limited Kentucky blaster's license". The five (5) pound limitation in subsection (2) of this section may be waived for the purpose of oil well shooting based upon a written request to the department. The use of shaped charges of less than ninety (90) grams weight to perforate casing or strata shall not meet the definition of blasting operation and shall not require either license.

(15) Application for the reciprocal license described in KRS 351.315(3) shall be on a form furnished by the department and accompanied by a fee of sixty (60) dollars.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Form "EC-14" (revised January 1, 2002); and

(b) Form "EC-16" (revised January 1, 2002).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Natural Resources, 300 Sower Boulevard, Frankfort, KY 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (E&B-M&M-1; 1 Ky.R. 1072; eff. 6-11-1975; 2 Ky.R. 602; 3 Ky.R. 317; eff. 9-1-1976; 4 Ky.R. 300; 426; eff. 5-3-1978; 8 Ky.R. 171, 287; eff. 10-7-1981; 17 Ky.R. 3263; 18 Ky.R. 77; eff. 7-31-1991; 19 Ky.R. 2325; eff. 6-7-1993; 29 Ky.R. 183; 710; eff. 9-16-2002; TAm eff. 8-9-2007; TAm eff. 7-6-2016; Crt eff. 6-27-2018.)